

Claims 26-30 are rejected under 35 USC 112, 2nd paragraph. Applicants have deleted the reference to a handle in claim 26.

Claims 1 and 3-6 are rejected under 35 USC 102(b) as being anticipated by Ram. Applicant has amended the claim 1 to clarify that the water, particulate and pressured air are supplied to the head at the same time. This aspect of Applicant's invention is clearly shown throughout his specification. As described in Ram, col. 4, lines 20-30, there is no disclosure of supplying water, particulate and pressured air to a head at the same time. Ram discloses supplying to the head only (a) water, or (b) a treatment liquid, or (c) air, or (d) oxygen, or (e) air (or oxygen) and water (or treatment liquid), or (f) powder in air (or oxygen). Because Ram does not disclose each and every aspect of claim 1, it cannot anticipate this claim or claims depending from claim 1.

Claims 1 and 3-6 are rejected under 35 USC 103(a) as being unpatentable over Amadera in view of Madsen. Amadera discloses using pressurized air and water to scale at the gum pocket. There is no disclosure in Amadera of using a particulate as called for in claim 1. Madsen on the other hand calls for an aqueous suspension of particulate material used as a cleaning slurry, but there is no disclosure of using pressurized air (this system uses pressurized water). As such, there is neither a teaching or suggestion in either reference of spraying water, particulate and pressured air onto at the same time onto teeth for cleaning purposes. Unless the Examiner can point to such teaching or suggestion in these two references, claims 1 and 3-6 are not obvious in view of them.

Claims 1, 3-6 and 26 are rejected under 35 USC 103(a) as being unpatentable over Blake in view of Amadera. The Examiner asserts that it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide bristles on the head of Blake as taught by Amadera. Applicants disagree. The dental cleaning apparatus of Blake would not work with bristles because the canister C1, which acts as a handle, is at the wrong angle relative to the nozzle assembly 28 to allow the apparatus to be used to brush teeth. Canister C1 would need to be substantially aligned with nozzle 28 in order for the apparatus to be used to also brush teeth (see Fig. 13 of Applicant's specification). The Blake apparatus is only designed for spraying a bubble foam laden with abrasive particles onto teeth. It is not designed to enable tooth brushing, nor would it work properly as a toothbrush. The entire design would need to be modified. Applicant does not believe, therefore, that it would have been obvious to merely slap bristles onto the Blake apparatus, because it is not designed as a toothbrush.

Claims 7-9, 13, 23 and 24 are rejected under 35 USC 103(a) as being unpatentable over Hines in view of Madsen. In Hines, air pressure is applied to the

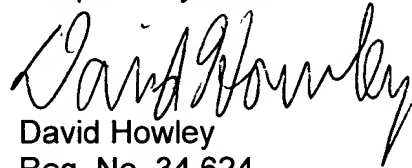
surface of the fresh water in container 41. This air pressure forces the fresh water out of the container for cleaning purposes. However, no pressured air is sprayed into the oral cavity as called for in claim 7. Neither does Madsen disclose spraying pressured air into the oral cavity. As discussed above, Madsen calls for an aqueous suspension of particulate material used as a cleaning slurry, but there is no disclosure of using pressurized air (this system uses pressurized water). Thus, neither reference discusses spraying pressured air into the oral cavity. As such, claim 7 and its dependent claims are not obvious in view of these two references.

Claims 14-21 and 25 are rejected under 35 USC 103(a) as being unpatentable over Madsen in view of Otani. In the present invention, the exit from the container is provided at the top of the container (see Fig. 3). This allows the slurry and compressed air to exit the container as called for in claim 14. In Madsen, the exit from container 129 is provided at the bottom of the container. The air entering container 129 rises to the top, increasing the pressure and forcing the slurry out of the bottom of the container. However, no pressured air will exit the container because of this arrangement. As such, all of the features of claim 14 are not disclosed by these two references. Accordingly, claim 14 and its dependent claims are not obvious in view of these two references.

In view of the foregoing amendments and remarks, Applicants request that claims 1, 3-21 and 23-30 be allowed. Please contact the undersigned at the phone number below if a phone call would help to resolve any remaining issues.

Patent Department
The Gillette Company
Prudential Tower Building
Boston, MA 02109

Respectfully submitted,



David Howley
Reg. No. 34,624
Attorney for Applicants
(617) 421-7093

"Version with marking to show changes made"

In the claims:

Claims 1 and 26 have been amended as follows:

1 (twice amended). An oral care device, comprising:

particulate;

a toothbrush including a head and one or more bristles extending from the head;

a handle from which the head extends;

a conduit for supplying water, said particulate and pressured air to the head at the same time such that the water, particulate and pressured air can be sprayed onto the teeth from the head to enhance cleaning, wherein the handle includes a switch for controlling the flow of water, said particulate and pressured air to the head.

26(once amended). The oral care device of claim 1, wherein the toothbrush includes [a handle connected to the head,] a supply of the water and particulate in the form of a slurry, the slurry being stored in the handle.